COMMISSION MEETING 11:00 A.M. JULY 20, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, July 20, 2022, with Mayor Smith presiding and Commissioners Brinkman, Giefer, Harter and Sauder present. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

CITY COMMISSION
(Public Comment)

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Hate speech, profanity, and defamation are not allowed. Please stated your name and address prior to making comments.

No comments were made at this time.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 5-17-22)
(Application No. 2022-01 - Request of Bluesky Dvlp. & CM2 Dvlp.)
(Rezone Property Along Michelle Street)
(South of 12th Avenue And North of 9th Avenue)
(From R-1, Low Dens. Res. to a Portion to R-3 High Dens. Res.)
(From R-1, Low Dens. Res. to a Portion to R-2 Med Dens. Res.)

The Planning Commission met in a regular session on Tuesday, May 17, 2022, with Chair Thomas presiding. Members Bucklinger, Weaver, Barnes, and Duncan were present.
Member Colson was absent.
City staff: Justin Givens and Moriah Keen were present.

Chair Thomas called the meeting to order, five members were present.

2b. Consider an Application PC 2022-01 Requesting Rezoning of Property Located Adjacent to Michelle St. Between E. 9th Ave. and E. 12th Ave.

Chair Thomas confirmed that the Planning Commission has a quorum.

Chair Thomas asked if proper notice had been given and if the City had jurisdiction on the item. **Givens** confirmed that proper notice was originally provided at the hearing in March. The application was sent back by the City Commission for further considerations and no new notice was necessary, and the City had jurisdiction.

Chair Thomas asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No commissioners needed to recuse themselves due to a conflict of interest and no ex parte communications were reported.

Givens gave the updated analysis from the staff report:

Updated Analysis:

The applicants and their agent have reevaluated the amount of property that will be lost to mitigate stormwater generated from off-site sources, as well as within their own development. Due to the reduction in developable ground, the applicants requested prior to the City Commission meeting on April 6, 2022, that a northern portion of their property be zoned R-3 so that they can increase the density of development.

Based on this request, the City Commission voted to return the item to the Planning Commission for further consideration.

The original staff report follows, as ultimately no conditions have changed within the area since the Planning Commission first considered it. Staff is attaching an excerpt of minutes from the April 6, 2022 City Commission meeting and the March 15, 2022 Planning Commission meeting.

Analysis: The applicants are proposing to develop approximately 18 single-family attached dwellings on the property. Full development plans will be forth coming if the rezoning is approved. The property is currently vacant and the south portion has been platted. A concept layout has been provided. A more detailed analysis is included in the section below.

Givens stated that the original public hearing was held during the March meeting and it is not required to have a Public Hearing.

Commissioner **Weaver** asked if the southern portion of the property is platted. **Givens** said yes and that the applicant would probably have to replat the southern portion of the property.

Commissioner **Barnes** asked if we approve the application how would the R-3 portion of the property be defined. **Givens** said that we can come up with a legal description of the area that will be zoned R-3. Chair **Thomas** asked can we say the portion of the property that is north of 11th Ave until there is a legal description for the R-3 portion of the property.

Commissioner **Duncan** asked the Public if anyone had any comments about the application since there was no public hearing. There was no comment from the public.

Commissioner **Weaver** made a motion to approve Application PC 2022-01 to rezone the portion of the property north of E 11th Ave to R-3 and the remainder of the property R-2. Commissioner **Barnes** seconded the motion. **Approved 5-0.**

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request from Bluesky Development and CM2 Development to rezone property located on the east side of Michelle Street, south of 12th Avenue and north of 9th Avenue. It is currently zoned R-1, Low Density Residential Zoning. He stated the proposed rezoning would facilitate the development of 15 - 20 single-family attached units and multi-plex units. The applicants are working with the City to help minimize some of the flooding issues that occur in the area during high rain events. The proposed development consists of 5.6 acres of undeveloped land that is currently zone C-3 General Commercial and R-1 Low Density Residential. The applicants originally applied for R-3 High Density Zoning, however, the Planning Commission agreed that R-2 Medium Density Zoning was more appropriate for the location and scope of the proposed project. After discussion with their engineer and city staff the applicants determined that the amount of land that would be needed to mitigate stormwater issues was greater than originally planned. He stated the applicant requested that the north portion of the property be rezoned R-3 as originally requested, and the balance of the property be classified as R-2. The R-3 zoning would allow for additional housing units to be developed, minimizing the financial impact of land dedicated to stormwater management. At their May 17, 2022 regular meeting, the Planning Commission, in reconsidering the application, unanimously approved the recommended rezoning a portion of the property R-3 and the remainder of the property R-2. He stated at the original public hearing there were several residents of the surrounding area that had concerns about existing stormwater issues, the impact of the project on street flooding as well as the impact of possible apartments adjacent to single-family homes. The area that is remaining R-2 would eliminate the potential for apartments adjacent to single-family homes and the developers will work with the city to mitigate the increase in stormwater for their property as well as additional stormwater that runs across their property.

PLANNING AND DEVELOPMENT
(Application No. 2022-01 - Request of Bluesky Dvlp. & CM2 Dvlp.)
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(From R-1, Low Dens. Res. to a Portion to R-3 High Dens. Res.)
(From R-1, Low Dens. Res. to a Portion to R-2 Med Dens. Res.)
(Ordinance Number 22-34)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM C-3 GENERAL COMMERCIAL DISTRICT AND R-1, LOW DENSITY RESIDENTIAL DISTRICT TO R-2 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT AND R-3 HIGH DENSITY RESIDENTIAL ZONING DISTRICT AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 22-34, was presented to the Governing Body for their consideration.

Commissioner Harter made a motion to approve Ordinance Number 22-34, an rezoning land from C-3 General Commercial District and R-1, Low Density Residential District to R-2 Medium Density Residential Zoning District and R-3 High Density Residential Zoning District. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

ENGINEERING
(Americus Road Sanitary Sewer Extension Project No. SS2002)
(US Hwy 50 - Road 180)
(Change Order No. 2)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated during the construction of the Americus Road Sanitary Sewer Extension Project, additional work was needed to raise the existing 12" water line to 18th Avenue where it crosses the new 24" sanitary sewer to meet KDHE requirements. In addition, some field changes to the project were due to differing conditions from the plans. He stated this change order resulted in an increase of $18,135.00 to the contract price. He stated staff is recommending approval of the Change Order Number 2 for the Americus Road Sanitary Sewer Extension Project in the amount of $18,135.00.

Following further discussion, Commissioner Brinkman made a motion to approve Change Order No. 2 for Americus Road Sanitary Sewer Extension Project No. SS2002 in the amount of $18,135.00. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY COMMISSION
(Relating to Meetings of the Governing Body)
(Ordinance Number 22-35)

AN ORDINANCE RELATING TO MEETINGS OF THE GOVERNING BODY; AMENDING CHAPTER 2-10 OF THE MUNICIPAL CODE OF THE CITY OF EMPORIA, KANSAS, BY THE ADDITION OF NEW SECTION 2-10; MEETINGS OF THE GOVERNING BODY, to which the City Clerk assigned Ordinance Number 22-35, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated during the strategic planning sessions this year, the City Commission discussed changing their regular meetings to a uniform time. The City Commission has held meetings at 11:00 a.m. for the past two months on a trail basis. This proposed ordinance establishes regular meetings of the City Commission on the first and third Wednesdays of each month at 11:00 a.m. Regular meetings may be rescheduled by majority vote and special meeting may be called by the Mayor, by two (2) members of the City Commission, or by the City Manager. She stated staff is recommending approval of Ordinance Number 22-35 relating the meetings of the Governing Body.

Commissioner Harter made a motion to approve Ordinance Number 22-35, an ordinance relating to meeting of the Governing Body. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye;

Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY MANAGER'S REPORTS
(Financials & Building Permits)

This is the time for the City Manager to make comments and reports to the public. **The following is general information for the month of June 2022 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2021	2022	
	$476,228.07	$568,506.49	**Increase** of $92,278.42 for the month, and Overall **increase** of 11.96% from year 2021
YTD	**$2,663,268.14**	**$2,981,742.56**	

2. City Share from County Tax

	2021	2022	
	$ 238,737.69	$ 285,108.25	**Increase** of $46,370.56 for the month, and Overall **increase** of 12.64% from year 2021
YTD	**$1,344,923.57**	**$1,514,918.47**	

3. **Building Permits issued from 6/1/2022 to 6/30/2022 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	162
Total of valuations associated with those building permits:	$ 3,180,435.00
Total number of dollars collected for Building Permit Fees:	$ 24,986.88
Construct - single family dwellings	0
Demo - single family dwellings	0
Flint Hills Mall CID for June 2022	$ 23,795.57
Year to Date Total	$ 103,392.10

Consent Agenda

It was moved by Commissioner Sauder, seconded by Commissioner Brinkman that the Consent Agenda listed below be ratified as a whole:

a. Consider the minutes of the Regular Meeting held on July 6, 2022.

b. Consider the ratification of Payroll Ordinance for the period ending July 1, 2022.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Smith, aye.

CITY COMMISSION
(City Manager's Report)

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works for the tentative Agenda of August 3, 2022.

- Award KDOT CCLIP SP Project NO. 56U-2390-01, City Project No. PV2201.
- Ordinance Bond Authorization Flint Hills Crossing Improvements, Water, Sewer & Street.
- Consider Approval of Minor Plat for Kwik Shop Addition.
- consider Approval of Development Agreement with Red Brick, LLC.

Study Session
- Discuss Purchasing Policy
- Discuss Ordinance Cross Connection/Online Backflow Management System.
- Discuss Establishing Storm Water Utility Fee.
- Budget Discussion

EXECUTIVE SESSION

Commissioner Brinkman made a motion to adjourn into Executive Session to discuss proprietary information of third parties for potential economic development and invite Special Projects Manager Jim Witt and Dominic Eck, with Gilmore & Bell, from 11:14 a.m. to 11:59 a.m., in the City Commission Meeting Room. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye;

Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 11:59 a.m., this same date in the City Commission Meeting Room, Commissioner Harter made a motion to continue the Executive Session with all of the same people from 12:00 p.m. to 12:15 p.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Brinkman was not present at the time of the vote.

Upon reconvening the meeting in Regular Session at 12:15 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed proprietary information of third parties for potential economic development and no action was taken.

Commissioner Giefer made a motion to recess the meeting until 12:20 p.m. to Conference Room 1AB. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

RECESSES MEETING AT 12:00 P.M.

CITY COMMISSION
(City of Emporia Logo Redesign)
(Request for Qualifications)

Christine Johnson, Communication Manager, was recognized and addressed the Governing Body. She stated the City will consider submissions of a new logo for rebranding. Request for Qualifications will be used to solicit creative, qualified professional or design firms with experience in community branding and logo redesign. She stated local graphic designers can review the RFQ and submit a proposal. This will be an open and competitive process for all who submit designs, including designs the submission of designs from Crowd sourcing.

Following further discussion, the Commission agreed to send out requests for qualifications from professional designers and receive design ideas from Crowd sourcing to be reviewed by the Commission at a later date.

CITY COMMISSION
(Exceeding the Revenue Neutral Rate)
(Resolution Number 3675)

City Manager Cocking and Janet Harrouff, Director of Administrative Services, were recognized and addressed the Governing Body. They stated the Revenue Neutral Rate for the City of Emporia was calculated as 39.57 mills by the Lyon County Clerk. During the process for budget discussion, the proposed budget for the City of Emporia will require the levy of property tax rate exceeding the Revenue Neutral Rate and this proposed resolution expresses the City's intention to exceed the Revenue Neutral Rate with a proposed mill levy of 45.00 mills. This resolution sets a public hearing regarding its intention to exceed the RNR for September 7, 2022 at 11:00 a.m.

Following further discussion, Commissioner Harter made a motion to approve Resolution Number 3675, a resolution regarding the Governing Body's intent to levy a property tax exceeding the Revenue Neutral Rate and set a public hearing for September 7, 2022 at 11:00 p.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, nay; and Mayor Smith, aye.

CITY COMMISSION
(Approval of 2022 Salary Increase)

City Manager Cocking stated due to inflation with higher cost of living; the ability to retain skilled and motivated work force; and in order to attract new employees, a 4% increase in pay has been built into the salary scales for 2022. He stated the pay scales are still behind what they should be based on cost of living averages and this will help in the continued effort to adjust the salary scales.

Following further discussion, Commissioner Brinkman made a motion to approve a 4% increase in salaries to be reflected in the August 12, 2022 paycheck. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Commissioner Sauder then made a motion to adjourn. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk